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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA, GREAT FALLS DIVISION**

JUSTIN LAUGHERY and  
HEATHER WILSON-LAUGHERY,

Plaintiffs,

-vs-

NEW SOUND  
TRANSPORTATION, LLC,

Defendant.

Cause No. CV-22-46-GF-BMM

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Plaintiffs, through counsel, submits their Complaint against Defendant as follows:

### **PARTIES**

1. Plaintiff Justin Laughery is a citizen and resident of Yellowstone County, Montana.
2. Plaintiff Heather Wilson-Laughery is a citizen and resident of Yellowstone County, Montana.
3. Defendant New Sound Transportation, LLC is a company formed in Washington with its principal place of business located in Fife, Washington.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1), as there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.
5. This Court has personal jurisdiction over Defendant New Sound Transportation, LLC since it is subject to the jurisdiction of Montana courts. Fed. R. Civ. P. 4(k) and Mont. R. Civ. P. 4(b)(1).

6. Venue is proper in this District because the events or omissions giving rise to this claim occurred in Montana. 28 U.S.C. § 1391(b)(2).

### **COMMON ALLEGATIONS**

7. On May 12, 2020, Defendant New Sound Transportation, LLC, through its agent, was operating a semi-truck and trailer on Interstate 90 in Montana when it suddenly tipped on its side and blocked the entirety of the eastbound lane of travel.

8. Plaintiff Justin Laughery was a passenger in a vehicle traveling in the eastbound lane when the Defendant's semi and trailer suddenly blocked the lane of travel. Justin's vehicle collided with the semi-trailer and then careened off the right side of the road and down the embankment.

9. Defendant negligently operated its semi-truck and trailer in an unsafe manner, failed to maintain his vehicle and trailer in his lane of travel, and failed to yield the right of way.

10. Defendant's semi was driven by Mr. Clinton Ardis who was an employee and/or agent of Defendant New Sound Transportation, LLC

acting in the course and scope of his agency at the time of the collision.

Defendant New Sound Transportation, LLC is responsible for Plaintiffs' damages caused by Mr. Clinton Ardis' negligent acts/omissions.

11. Plaintiff Justin Laughery suffered physical, mental, and financial damages as a result of injuries sustained in the collision caused by Defendant New Sound Transportation LLC. His damages include, but are not limited to, injuries to his neck and back, post-traumatic stress disorder, medical expenses and lost earnings.

12. At the time of the collision complained of Plaintiffs Heather Wilson-Laughery and Justin Laughery were married and they continue to be married. Plaintiff Heather Wilson-Laughery, because of the injuries and impairments to her husband, has suffered loss of support, aid, protection, affection, and society of her husband.

13. As a result of Defendants' acts and/or omissions, Plaintiffs suffered severe and permanent personal and physical injuries which are ongoing. Plaintiffs' damages, in an amount to be determined at trial,

include but are not limited to physical, financial, and emotional distress damages independently and collectively suffered by each Plaintiff.

### **COUNT I - NEGLIGENCE**

Plaintiffs incorporate all preceding paragraphs.

14. Defendant owed a duty to use reasonable care in the operation of the semi-truck and trailer on May 12, 2020.

15. Defendant breached that duty when it failed to operate the semi-truck and trailer in a safe and prudent manner by traveling in an unsafe manner, failing to maintain the vehicle and trailer in the driver's lane of travel, and failing to yield the right of way, and Defendant's unreasonable actions/omissions caused a collision with Plaintiff Justin Laughery.

16. Defendant's acts/omissions constitute negligence, and their negligence caused the collision and subsequent injuries sustained by Plaintiffs.

17. As a result of Defendant's negligence, Plaintiffs suffered personal injuries, physical injuries, financial damages, emotional distress and mental anguish, both past and future.

18. Plaintiffs are entitled to all available damages provided by Montana law as a result of Defendant's negligence.

## **COUNT II - NEGLIGENCE PER SE**

Plaintiffs incorporate all preceding paragraphs.

19. Defendant's actions violated Montana statutes designed to protect the public from harm. Specifically, Defendant violated the following:

- a. MCA § 61-8-302(1). Careless driving; and
- b. MCA § 61-8-321. Drive on right side of roadway.

20. Plaintiffs are within the class which these laws were designed to protect, and the harms to Plaintiffs are of the nature the statutes were designed to prevent.

21. Defendant's violations of Montana statutes constitute negligence per se, and his violations of Montana statutes caused the collision and subsequent injuries sustained by Plaintiffs.

22. Plaintiffs are entitled to all available damages provided by Montana law as a result of Defendant's violation of Montana statutes.

### **COUNT III – RESPONDEAT SUPERIOR**

Plaintiffs incorporate all preceding paragraphs.

23. At the time of the collision with Plaintiffs, Clinton Ardis was an employee or agent of Defendant New Sound Transportation, LLC and in the course and scope of such employment.

24. Defendant New Sound Transportation, LLC under the doctrine of respondeat superior is legally and vicariously liable for all damage caused by Clinton Ardis' negligent acts and/or omissions.

WHEREFORE, Plaintiffs respectfully request a judgment against Defendants as follows:

1. For compensatory damages caused to Plaintiffs by Defendants in an amount to be proven at trial;

2. For costs, interest, pre-judgment interest as determined by the Court;
3. For any and all further legal or equitable relief as the Court deems proper.

### **DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury in this matter.

DATED this 17<sup>th</sup> day of May, 2022.

By: /s/ Joseph Cook

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